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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

**CUSTOMS APPEAL NO. 42 OF 2015  
WITH  
NOTICE OF MOTION LODG.NO.888 OF 2015**

**M/s Cannon Industries Private Limited**

**..Appellant**

**Vs.**

**The Commissioner of Customs**

**Nhava Sheva**

**..Respondent**

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Senior Counsel Mr. Bharucha a/w Counsel Mr. Bomi Patel a/w Vivek Vashi  
a/w Krishnendu Sayta i/b Bharucha & Partners in NMA (L) No.888/2015.  
Mr Pradeep S. Jetly, for Respondent.

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**CORAM: B.R. GAVAI &  
A.S. GADKARI, JJ.**

**DATE : 13<sup>th</sup> April 2015.**

**P.C.:**

**1**           The present appeal arises out of the order passed by the CESTAT thereby dismissing the appeal on the ground of non-deposit of duty and penalty. By the order of even date, we have dismissed the Appeals arising out of the order dated 4<sup>th</sup> December 2013 thereby directing the appellants to deposit of 50% of the duty and 10% of the penalty in each case levied as a pre-condition for hearing the appeals, and as consequence thereof the present appeal also deserves to be dismissed.

2           In the result, the appeal stands dismissed. In view of the dismissal of the appeal, the Notice of Motion does not survive and the same is also disposed of.

**(A.S. GADKARI, J.)**

**(B.R. GAVAI, J.)**